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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,771	10/22/2001	Hiroshi Nishiyama	Q66525	8452

7590 02/14/2006

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/982,771	<b>Applicant(s)</b> NISHIYAMA ET AL.	
	<b>Examiner</b> Andy S. Rao	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed with respect to claims 1-4 and 12-14 as filed on 12/7/05 have been fully considered but they are not persuasive.
2. Claims 1, 3, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lachinski et al., (hereinafter referred to as "Lachinski") in view of Lotocky et al., (hereinafter referred to as "Lotocky"), as was set forth in the Office Action of 9/7/05.
3. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lachinski et al., (hereinafter referred to as "Lachinski") and Lotocky et al., (hereinafter referred to as "Lotocky"), and further in view of Young, as was set forth in the Office Action of 9/7/05.
4. The Applicant presents four arguments contending the Examiner's rejection as listed above. However, after a careful consideration of the arguments presented, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

In response to applicants argument that Lotocky is nonanalogous art with Lachinski, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, since both references teach of the processing video data (collection versus presentation), one of ordinary skill in the art would be compelled to consider the Lotocky system if only because of the fact that a memory set up as boot device would have relevance to Lachinski which does disclose that the AC power is provided to the engine through a power inverter (Lachinski: column 3, lines 50-56). However, if

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that power source were to fail, a boot device as in Lotocky would be required to bring the data collection back on-line and ensure that back-up data is also preserved (Lachinski: column 4, lines 20-27). Additionally, Lotocky discloses that the use his teaching is meant for complex computing systems as deployed vehicles, such as in the Lachinski data collection system (Lachinski: column 2, lines 50-67). Accordingly, the Examiner maintains that the teachings can be employed with each other as in the rejection.

Secondly, the applicants argue that Lotocky fails to disclose using "...a line management unit which outputs a control signal to a rate controller..." as in the claims (Response of 12/7/05: page 3, lines 1-13). The Examiner respectfully disagrees. It is noted that upon further scrutiny of Lotocky, the reference discloses the use of message buffers to for line transfers that operate upon control parameters, with rate control being one of the output control parameters (Lotocky: column 6, lines 20-30). Accordingly, the Examiner maintains that this limitation is met, as well.

Additionally, the applicants argue that Young fails to teach "...a line management unit which outputs a control signal to a rate controller..." as in the claims (Response of 12/7/05: page 3, lines 16-21; page 4, lines 1-4). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Lastly, the applicants argue that Young would not be usable with the Lachinski-Lotocky combination because it would be redundant since Lachinski already has a rear camera (Response of 12/7/05: page 4, lines 5-21). The Examiner disagrees. It is noted that the Young teaching used is to have the rear camera of Lachinski triggered from the back gear signal as taught by Young,

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and not incorporating the additional Young camera. This would be for the conditional operation of the camera as in reverse, and could be manually overridden (Young: column 4, lines 50-60) so as to operate in the normal data gathering mode of Lachinski. Accordingly, the Examiner maintains that the use of Young would not be redundant as alleged.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

asr  
February 10, 2006

Andy S. Rao  
Primary Examiner  
Art Unit 2613

ANDY RAO  
PRIMARY EXAMINER

